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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,212	06/07/2001	Lowell Martinson	3755P2332	6074

23504 7590 01/02/2003

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4204 NORTH BROWN AVENUE  
SCOTTSDALE, AZ 85251

EXAMINER

SHAHER, RICKY D

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/85,212

Applicant(s)

MARTINSON

Examiner

R.D. SMATLER

Group Art Unit

2872

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on

10/17/02

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 12-15 AND 21 is/are pending in the application.

Of the above claim(s) 12-14 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 15 AND 21 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

Office Action Summary

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1. Claims 15 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 15 and 21, line 4, the use of the language "substantially triangular base portion" is misdescriptive. It is unclear to the examiner how applicant can possibly consider element (17) as a triangular base portion when the base portion is clearly illustrated as a trapezoid.

2 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Araki ('163) in view of Mote ('510) or Lorenzo ('141).

To the extent the claims are definite, Araki discloses a mirror assembly comprising at least one substantially triangular base portion (1) having a first side, adjacent element (1a), dimensioned to be adhered along a length thereof to a rear side portion of a vehicle and at least one mirror (3) coupled to a second side of said at least one substantially triangular base portion, via element (2), in line of sight with an interior view mirror, note 1-5, except for the mirror device being adhered to a side rear side portion of the vehicle and in a line of sight with a side view mirror to view objects lateral to the rear portion of the vehicle.

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Mote and Lorenzo each teaches it is well known to attach at least one mirror to a side rear side portion of a vehicle in a line of sight with a typical side view mirror in the same field of endeavor for the purpose of viewing objects lateral to the rear portion of the vehicle.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to shift the location of the mirror assembly of Araki to a position adjacent the side rear side portion such that said mirror is in a line of sight with a typical side view mirror as taught by Mote or Lorenzo in order to view objects lateral to the rear portion of the vehicle, since it has been held that rearranging parts of an invention involves only routine skill in the art. Note *In re Japikse*, 86 USPQ 70.

As to the limitations of claim 21, Lorenzo clearly teaches employing at least two lateral view mirrors, one said two lateral view mirrors being positioned on the driver's side in combination with the driver's side view mirror and the other being positioned on the passenger's side in combination with the passenger's side view mirror in the same field of endeavor for the purpose of viewing objects to the right and left lateral sides of a vehicle.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the vehicle of Araki to include two lateral view mirrors as taught by Lorenzo in order to view objects to the right and left lateral sides of the vehicle. Note *ST. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8

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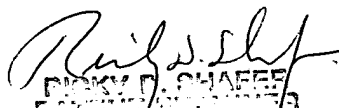
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

RDS

December 30, 2002

  
RICHARD D. SHAFER  
PATENT EXAMINER  
ART UNIT 2872